

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

A.O.A., et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:11CV44 CDP
)	
DOE RUN RESOURCES)	
CORPORATION, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

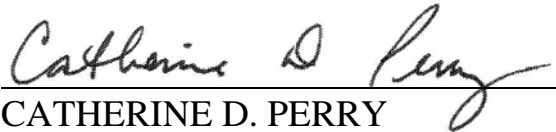
Defendants filed a motion for a determination of foreign law. Plaintiffs initially filed a motion to strike against the defendants' motion, and they have since filed a memorandum in opposition to the defendants' motion. A motion to strike may only be employed under Rule 12 against a pleading. Fed. R. Civ. Proc. 12. Rule 7 of the Federal Rules of Civil Procedure, in turn, sets forth the pleadings allowed under the Rules. Because a motion is not, by definition, a pleading, plaintiffs' motion to strike must be denied.

Plaintiffs' motion asks, in the alternative, that I stay ruling on the defendants' motion for a determination of foreign law until the parties complete further discovery. Plaintiffs' point on this issue is well taken, but I have granted repeated extensions of time for both parties to brief the motion. Plaintiffs' motion to stay will be denied.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs' motion to strike, or in the alternative, to stay [# 159] is denied.

IT IS FURTHER ORDERED that defendants' motion for clarification of case management order and for extension of time to respond to plaintiffs' motion to strike or stay [# 164] is denied as moot.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 16th day of June, 2014.